

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6312-CR-ROETTGER/Snow

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JERMAINE WILLIAMS, et al

Defendant.

**NIGHT BOX
FILED**

MAY 23 2001

CLARENCE MADDOX
CLERK, USDC / SDFL / FTL

DEFENDANT WILLIAMS' UNOPPOSED MOTION FOR CONTINUANCE

Defendant, JERMAINE WILLIAMS, through undersigned counsel respectfully moves to continue the trial of this matter for a period of at least sixty (60) days, from the currently scheduled trial date of June 5, 2001, and in support thereof, the defendant states.

1. Defendant Williams and co-defendant Espinueva are charged by indictment with the following criminal offenses: (1) conspiracy to obstruct interstate commerce by robbery in violation of 18 U.S.C. § 1951(b)(1); (2) obstruction of interstate commerce by robbery in violation of U.S.C. § 1951(a); and (3) carrying and using a firearm in relation to a crime of violence in violation of 18 U.S.C. 924(c).

2. On May 17 and May 22, 2001, the government provided defendant Williams with the results of DNA analysis of physical evidence found in the alleged getaway vehicle. The DNA analysis concludes to a reasonable degree of scientific certainty that Mr. Williams is the source of the DNA found in some of the blood stain samples obtained from the getaway vehicle. The DNA

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[Signature]

analysis further concludes that Mr. Williams cannot be excluded as the source of the DNA found in a hair sample obtained from the getaway vehicle.

3. The undersigned needs additional time to consult with an expert and have that expert review the results of the government's DNA analysis

4. Mr. Williams will challenge the admissibility of the government's DNA evidence and its alleged statistical results under *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993)

5. Mr. Williams is requesting additional discovery materials and information in order to be able to effectively investigate and prepare for those challenges to the DNA evidence and prepare for the DNA evidence at trial. The Court has a considerable interest in seeing that Mr. Williams is able to do so, in the interests of reliable and fair hearings on those issues, and a reliable and fair trial.

6. In addition, the undersigned will be on vacation from July 5 through July 12, 2001 and would respectfully request an additional two weeks upon return to prepare for the trial in this cause.

7. The undersigned has contacted Assistant United States Attorney Thomas Lanigan who has no objection to the relief requested in this motion.

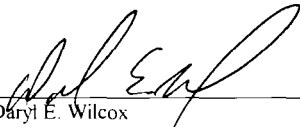
WHEREFORE, Defendant, JERMAINE WILLIAMS, through undersigned counsel,

respectfully requests that the trial in this cause be continued for a period of at least sixty (60) days.

Respectfully submitted,

KATHLEEN M. WILLIAMS
FEDERAL PUBLIC DEFENDER

By:


Daryl E. Wilcox
Assistant Federal Public Defender
Florida Bar No. 838845
One East Broward Blvd., Suite 1100
Fort Lauderdale, Florida 33301

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing instrument was mailed this 24th day of May, 2001 to Thomas Lanigan, Assistant United States Attorney, 500 East Broward Boulevard, Suite 700, Fort Lauderdale, Florida 33301 and Barry Wax, Esq., 201 South Biscayne Boulevard, Suite 1950, Miami, Florida 33131.

By:


Daryl E. Wilcox